



# BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

## AGENDA

December 17, 2007

*Commissioner David Lillard, Chairman*  
*Commissioner Deidre Malone, Chairman Pro Tempore*  
*Commissioner Joyce Avery*  
*Commissioner Henri E. Brooks*  
*Commissioner Wyatt Bunker*  
*Commissioner Mike Carpenter*  
*Commissioner Sidney Chism*

*Commissioner George Flinn*  
*Commissioner Joe Ford*  
*Commissioner J.W. Gibson II*  
*Commissioner James Harvey*  
*Commissioner Steve Mulroy*  
*Commissioner Mike Ritz*

12/14/2007 4:12 PM

1:30 P.M.

COMMISSION CONVENES

CALL TO ORDER

Chairman David Lillard

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

Reverend Joseph McGhee, Senior Pastor  
Greater White Stone Baptist Church

PLEDGE OF ALLEGIANCE

ROLL CALL

### Approval of Minutes of Previous Session

November 19, 2007

## C O N S E N T   A G E N D A

### Resolutions of Memorial, Sympathy and Commendation

RITZ

1. Resolution to honor the memory of Wanda Martin, and to extend the deep sympathy and sincere condolences of Shelby County Government to her family and loved ones.

**Ordinances**

- RITZ**  
  
Chairman, Land Use  
Committee

2.

**ORDINANCE – SECOND READING –** A joint ordinance (STA 07-001 CC) amending the Memphis and Shelby County Subdivision regulations, adopted by the Shelby County Board of Commissioners and the City Council of the City of Memphis on December 19, 1983, being ordinance and resolution No. 3352, so as to make certain changes therein by revising the requirements by providing high intensity soil maps prior to approval of preliminary plans for lots where public sewer is not available. Sponsored by Commissioner Mike Ritz.
- RITZ**  
  
Chairman, Land Use  
Committee

3.

**JOINT ORDINANCE – FIRST READING – (ZTA 07-003 CC)** -- An Ordinance to amend Section 30(B)(6)/16-116-2(F) to specify that operating a non-conforming use without the proper license, permits or certificates for 365 consecutive days, and loss of a Sexually Oriented Business License for 365 consecutive days at a non-conforming location shall terminate a non-conforming use, and loss of a Sexually Oriented Business License shall prevent such use from occurring on the site for 365 consecutive days. Sponsored by Commissioner Mike Ritz.
- FORD**  
  
Chairman, General Government  
Committee

4.

**ORDINANCE – FIRST READING -** Ordinance adopting Title VI Policy and approving policy and procedure manual for implementation and compliance with Title VI of the 1964 Civil Rights Act, applicable to all divisions, department, offices, and instrumentalities under the control of Shelby County Government, and all offices, officers, and officials elected countywide, and all agencies, boards and instrumentalities directly or indirectly responsible to Shelby County Government. Sponsored by Commissioner Brooks. (Amended in Committee 12/12/07)

**Zoning and Subdivisions**

- RITZ**  
  
Chairman, Land Use  
Committee

5.

**Resolution approving various subdivision items, plats, extensions, etc. as recommended by the County Engineer.**  
  
a. Resolution to release the bond that secured the improvements to LaGrange Commons P.D. (P.D. 05-311 CC)  
**(Sent without recommendation)**

**Reports and/or Resolutions for Standing Committees**

- MALONE**  
  
Chairman, Budget  
Committee

6.

**Resolution approving a compromise settlement in the case of Elizabeth DeBerry and Marty DeBerry v. Shelby County, Tennessee, In the amount of \$89,751.49, Circuit Court No. CT-004532-02, as recommended by the County Attorney and approved by the administration. Sponsored by Commissioner Deidre Malone.**

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| <b>MALONE</b><br>Chairman, Budget<br>Committee                 | 7.  | Resolution approving the sale of 158.12 acres of unimproved real property located on the northwest corner of Mudville Road and Merrill Road to Pravin J. Thakkar for \$600,000.00. Sponsored by Commissioner Joyce Avery.  |
| <b>MALONE</b><br>Chairman, Budget<br>Committee                 | 8.  | Resolution approving the sale of 1.11 acres of unimproved real property located on the south side of East Shelby Drive, opposite Swinnea Road, to John Taylor Tarver and John Kirk Tarver for \$37,510.00. Sponsored by Commissioner Joyce Avery.  |
| <b>MALONE</b><br>Chairman, Budget<br>Committee                 | 9.  | Resolution amending the FY 08 operating budget and personnel complement for the Shelby County Election Commission. Sponsored by Commissioner Deidre Malone. (Deferred to 1/7/08)   |
| <b>BUNKER</b><br>Chairman, Public Works<br>Committee           | 10. | Resolution approving an amendment to the contract with Palmer Engineering in the amount of \$89,796.00 for the final environmental impact statement and record of decision for Shelby Farms Parkway (Kirby Whitten Parkway) from the east end of the Wolf River Bridge on Walnut Grove Road north to the intersection of Whitten Road and Macon Road and this item requires an expenditure of County CIP Funds in the amount of \$89,796.00. Sponsored by Commissioner Wyatt Bunker.                                     |
| <b>BUNKER</b><br>Chairman, Public Works<br>Committee           | 11. | A resolution approving a contract in the amount of \$946,248.73 and \$94,624.87 for extra work allowance for a total amount of \$1,040,873.60 with Ford Construction Company for replacement of the bridge and approaches on Kerrville-Rosemark Road over Big Creek Drainage Canal and this item requires an expenditure of State Gas Tax Funds in the amount of \$1,040,873.60. Sponsored by Commissioner Wyatt Bunker.   |
| <b>AVERY</b><br>Chairman, Hospitals and<br>Health<br>Committee | 12. | Resolution approving a \$195,000.00 grant agreement between Shelby County Government and the State of Tennessee, Department of Finance and Administration, Governor's Office of Children's Care Coordination for the provision of an infant mortality coordinator for the term October 1, 2007 through September 30, 2010 and amending the FY2008 operating budget and this item requires expenditure of state grant funds in the amount of \$195,000.00. Sponsored by Commissioner Joyce Avery. (Deferred from 12/3/07) |
| <b>AVERY</b><br>Chairman, Hospitals and<br>Health<br>Committee | 13. | A resolution approving a contract in the amount of \$302,000.00 with the Regional Medical Center for the provision of pharmaceutical services to the Health Department's pharmacy and amending the FY2007-2008 Operating Budget, and this item requires expenditure of County General Funds in an amount not to exceed \$302,000.00. Sponsored by Commissioner Joyce Avery.  |

- AVERY**  
Chairman, Hospitals and Health Committee
14. A resolution approving an amendment to the FY2007-2008 Operating budget in the amount of \$142,500 for the administration of the Public Health Preparedness Services Program and amending the FY2007-2008 Operating Budget, and this item requires expenditure of Federal thru State Grant Funds in the amount of \$142,500. Sponsored By Commissioner Joyce Avery.
- CHISM**  
Chairman, Law Enforcement Committee
15. A resolution approving the expenditure of funds in the amount of \$1,386,836.38 for procuring vehicles for the Shelby County Sheriff's Office fleet and this item requires the expenditure of County General Funds in the amount of \$1,222,492.96 and Sheriff's Office Narcotic Funds in the amount of \$164,343.42, for a total of \$1,386,836.38. Sponsored by Commissioner Sidney Chism.
- CHISM**  
Chairman, Law Enforcement Committee
16. A resolution amending the FY2007/2008 operating budget and authorizing the Shelby County Mayor to execute a grant agreement with the U.S. Department of Justice for the Secure Our Schools program in the amount of \$477,996.00 and this item requires the expenditure of grant funds in the amount of \$477,996.00 and Shelby County Sheriff's Office Federal Narcotics Funds in the amount of \$228,000.00 Resolution sponsored by Commissioner Sidney Chism.
- CHISM**  
Chairman, Law Enforcement Committee
17. Resolution approving a contract amendment with Aramark Correctional Services, LLC., in the amount of \$400,000.00 for the provision of food services for inmates and staff at the Shelby County Jail East located at 6201 Haley Rd, Memphis, TN 38134. This item requires expenditure of County General Funds in the amount of \$400,000.00. Sponsored by Commissioner Sidney Chism.
- CHISM**  
Chairman, Law Enforcement Committee
18. A resolution amending the FY 2007-2008 operating budget of the Criminal Court Clerk data processing fund in the amount of \$15,000.00. This resolution is sponsored by Commissioner Carpenter.
- GIBSON**  
Chairman, Education Committee
19. Resolution of the Shelby County Board of Commissioners to request and authorize the County Attorney to explore, study and report on the employment of outside counsel and necessary public finance consultants to file suit against the State of Tennessee for fair and equitable state financing of public schools in Memphis and Shelby County. Sponsored by Commissioner Mike Ritz. (Withdrawn in Committee 12/12/07)
- FLINN**  
Chairman, Community Services Committee
20. A resolution amending the FY 2007/2008 operating budget of the Head Start Program in the amount of \$209,928.00 and amending the personnel complement. This item requires expenditure of Department of Health and Human Services Grant Funds in the amount of \$209,928.00. Sponsored by Commissioner George Flinn.

**FLINN**

Chairman, Community  
Services Committee

21. A resolution amending the FY2007/2008 operating budget of the Head Start Program in the amount of \$152,733.00 and amending the personnel complement and this item requires expenditure of Memphis City Schools Grant Funds in the amount of \$152,733.00. Sponsored by Commissioner George Flinn.

**FLINN**

Chairman, Community  
Services Committee

22. A resolution approving a contract to purchase real estate in the amount of \$1,314,959.00 from Chuck Hutton Leasing Company, for the purchase of 2.203 acres of real property located at 5025 English Towne Drive for the operation of a Head Start facility, to authorize a loan from Suntrust Bank in the amount of \$1,010,000.00, and to amend the Head Start Budget. This item requires the expenditure of Federal Grant Funds in the amount of \$1,324,959.00. Sponsored by Commissioner George Flinn.

**FLINN**

Chairman, Community  
Services Committee

23. Resolution approving a contract to purchase real estate in the amount of \$800,000.00 from BBB Management, LLC for the purchase of 1.64 acres of real property located at 3435 Ridge Meadow Parkway for the operation of a Head Start facility, to authorize a loan from Suntrust Bank in the amount of \$836,138.00, and to amend the Head Start budget. This item requires the expenditure of Federal Grant Funds in the amount of \$810,000.00. Sponsored by Commissioner George Flinn.

**FLINN**

Chairman, Community  
Services Committee

24. A resolution approving a grant amendment with the Tennessee Department of Human Services for the Weatherization Assistance Program, that reduces the amount of the grant by \$63,212.00, and to amend the FY2007-2008 operating budget. This item requires a decrease of expenditures in the amount of \$63,212.00. Sponsored by Commissioner George Flinn.

**FLINN**

Chairman, Community  
Services Committee

25. Resolution to amend the Grant Contract with the Tennessee Department of Human Services for the Community Services Block Grant Program to reduce the grant funds in the amount of \$79,677.00 and to amend the FY2007-2008 operating budget. This item requires a decrease of expenditures from the Tennessee Department of Human Services funds in the amount of \$79,677.00. Sponsored by Commissioner George Flinn.

**FLINN**

Chairman, Community  
Services Committee

26. A resolution amending the grant contract with the Tennessee Department of Human Services for the Low Income Home Energy Assistance Program, increasing grant funds in the amount of \$352,586, and to amend the FY 2007-2008 Operating Budget, and approving the expenditure of the additional funds in the amount of \$352,586.00. This resolution is sponsored by Commissioner George Flinn.

**REGULAR AGENDA**

**Elections, Appointments, and Confirmations**

**Ordinances**

**Zoning and Subdivisions**

**RITZ**  
Chairman, Land Use  
Committee

- 27.    CASE NO. SAC 06-607 CC**  
*(Amended in Committee 12/12/07)*
- APPLICANT:        Teransky, LLC**
- LOCATION: Beginning at its intersection with Macon Road and extending southeast 1,193 feet**
- REQUEST: Rural Roadway Closure and Prescriptive Right-of-Way Vacation.**
- RECOMMENDATIONS:**  
**Memphis and Shelby County Office of Planning and Development:**  
**APPROVAL SUBJECT TO SEVEN CONDITIONS**
- Memphis and Shelby County Land Use Control Board:**  
**APPROVAL SUBJECT TO SEVEN CONDITIONS**
- (Notice of public hearing published in the Daily News on Friday, December 7, 2007).**

**Reports and/or Resolutions for Standing Committees**

**MALONE**  
Chairman, Budget  
Committee

- 28.    Resolution transferring and appropriating Commissioner Contingency Funds in the amount of \$50,000 in the form of in kind services, goods and materials to New Chicago Community Development Corporation for the Matthew Davis Resource Center. Sponsored by Commissioner Deidre Malone. (Amended in Committee 12/12/07)**

**MALONE**  
Chairman, Budget  
Committee

- 29.    Resolution authorizing the forgiveness of the County’s loan to Memphis Rock N’ Soul, Inc. and all accrued interest and charges related to this loan. Sponsored by Commissioner Chism. (Sent without recommendation)**

**MALONE**  
Chairman, Budget  
Committee

- 30.    Resolution to approve the payment of \$700,000.00 from account no. 878-201201-9062 to Lemoyne Owen College CDC for de3posit with Wachovia Community Development Enterprises in an account established for LOCCDC’s Town Center Project. Sponsored by Commissioner Sidney Chism.**

**HARVEY**  
Chairman, Economic  
Development  
Committee

31. Resolution requesting County Mayor A C Wharton not sign any extension beyond January 31, 2008 to the letter of intent with Bass Pro Companies for the future use of the Pyramid Arena. Sponsored by Commissioner Steve Mulroy.

**RITZ**  
Chairman, Land Use  
Committee

32. A joint resolution of the Board of County Commissioners and the Memphis City Council authorizing the Memphis and Shelby County Community Redevelopment Agency to issue a principal amount not exceeding in aggregate of \$12,500,000 in Tax Increment Bonds of the Agency pursuant to the provisions of the Community Redevelopment Act of 1998 to finance and refinance a portion of the cost with that certain University Neighborhood Development Corporation (UNDC)/Highland Row Area Project; authorizing an amendment to the UNDC/Highland Row Community Redevelopment plan to allow the lease and transfer of ownership of a public parking garage as part of the plan; and providing an effective date. Resolution sponsored by Commissioner Deidre Malone. (Sent without recommendation)

**MULROY**  
Chairman,  
Legislative Committee

33. Resolution by the Board of Commissioners of Shelby County, Tennessee, requesting the members of the Tennessee General Assembly to support legislation amending Tennessee Code Annotated, Title 39, Chapter 14; Title 40, Chapter 35; and Title 62, Chapter 9, relative to scrap metal, scrap metal dealers, theft, and criminal trespass. Sponsored by Commissioner Steve Mulroy.

**MULROY**  
Chairman,  
Legislative Committee

34. Resolution urging the Shelby County Legislative Delegation to oppose the passage of legislation allowing the establishment of Special School Districts in Shelby County. Sponsored by Commissioner Mike Carpenter.  
(Deferred to 1/7/08)

#### Announcements/Statements

**FORD**  
Chairman, General Government  
Committee

35. Resolution amending resolution no. 19, entitled “RESOLUTION APPROVING THE COUNTY MAYOR’S NOMINATION OF JANICE BANKS, PHILLIS PHILLIPS, JANICE MOSELY, SHERRELL LOTT, STACEY GREENBURG, AND VERNETTA EDDLEMAN FOR APPOINTMENT TO THE COMMUNITY SERVICES AGENCY (CSA) COMMUNITY ADVISORY BOARD” adopted October 8, 2007; and approving the County Mayor’s nomination of Sherman Holman and Janice Banks for appointment to the Community Services Agency (CSA) Advisory Board. Sponsored by Commissioner Joe Ford.

#### Adjournment

36. Resolution of Adjournment to Monday, January 7, 2008 at 1:30 p.m.